

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

OSCAR SANCHEZ LAMBOY,

Plaintiff

v.

CECORT PROPERTIES, et al.

Defendants

CIVIL NO. 07-1849 (JP)

ORDER

Before the Court is Defendants Cecort Properties & Services and Seguros Triple-S, Inc.'s motion *in limine* (No. 11) to exclude Plaintiff's expert witness, Dr. Boris Rojas ("Dr. Rojas"), and Plaintiff's opposition thereto (No. 12). For the reasons stated herein, Defendants' motion (**No. 11**) is hereby **GRANTED**.

Defendants move to exclude Dr. Rojas as an expert witness on several grounds. First, Defendants claim that Plaintiff's disclosure of Dr. Rojas as an expert witness does not comply with the requirements of Rule 26 of the Federal Rules of Civil Procedure. Next, Defendants argue that Dr. Rojas' report is deficient in that it does not address the percentage of impairment due to the injury at issue in the instant lawsuit, as opposed to injuries sustained in a prior workplace accident. Moreover, Defendants argue that Dr. Rojas testified that he did not inquire into how Plaintiff fell, nor did he analyze Plaintiff's injuries in relation to how the accident

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occurred - even though Plaintiff listed Dr. Rojas as an expert on causation.

The Court agrees with Defendants that Dr. Rojas's report does not comply with Rule 26 of the Federal Rules of Civil Procedure in that, *inter alia*, it does not include Dr. Rojas's resume or curriculum vitae, does not list the compensation received by Dr. Rojas for his report or testimony, and does not list the other cases in which Dr. Rojas has testified as an expert at trial. Further, the report does not separate Plaintiff's injuries sustained in the 2004 fall from the workplace accident that occurred in 2003, which is not a part of this lawsuit.

Based on Dr. Rojas's report, which he labeled as a "final" report at his deposition, Dr. Rojas is not qualified to testify as to causation. The report was created for Plaintiff's case before the State Insurance Fund, and does not clearly address the injuries sustained by Plaintiff in the accident that is the subject of the instant litigation. As such, the Court **GRANTS** Defendants' motion *in limine* to exclude Plaintiff's expert witness, Dr. Boris Rojas.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 23rd day of June, 2008.

S/ Jaime Pieras, Jr.
JAIME PIERAS, JR.
U.S. SENIOR DISTRICT JUDGE